

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION

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6 A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE GUARANTEE OF A FREE APPROPRIATE
7 PUBLIC EDUCATION FOR STUDENTS 19 THROUGH 21 YEARS OF AGE WHO HAVE BEEN IDENTIFIED
8 AS IN NEED OF SPECIAL EDUCATION SERVICES UNDER THE INDIVIDUALS WITH DISABILITIES
9 EDUCATION ACT; EXEMPTING STUDENTS WITH DISABILITIES WHO HAVE GRADUATED FROM HIGH
10 SCHOOL WITH A REGULAR DIPLOMA; ALLOWING A SCHOOL DISTRICT TO NOT OFFER A SPECIAL
11 EDUCATION PROGRAM FOR STUDENTS WITH DISABILITIES IF THE STUDENTS TURN 22 YEARS OF AGE
12 DURING THE YEAR IN WHICH THEY ARE ENROLLED; AMENDING SECTION 20-7-411, MCA; AND
13 PROVIDING A DELAYED EFFECTIVE DATE."

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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17 **Section 1.** Section 20-7-411, MCA, is amended to read:

18 **"20-7-411. Regular classes preferred -- obligation to establish special education program.** (1) A
19 child with a disability in Montana is entitled to a free appropriate public education provided in the least
20 restrictive alternative setting. To the maximum extent appropriate, a child with a disability, including a child
21 in a public or private institution or other care facility, must be educated with children who do not have
22 disabilities. Separate schooling or other removal of a child with a disability from the regular educational
23 environment may occur only when the nature or severity of the disability is such that education in regular
24 classes with the use of supplementary aids and services cannot be achieved satisfactorily.

25 (2) (a) ~~The~~ Except as provided in subsections (2)(b) and (2)(c), the board of trustees of every
26 school district shall provide or establish and maintain a special education program for each child 6 through
27 21 years of age with a disability between the ages of 6 and 18, inclusive.

28 (b) The requirement of subsection (2)(a) does not apply to a child with a disability who has
29 graduated from high school with a regular high school diploma.

30 (c) The trustees are not obligated to provide a special education program if a child turns 22 years

1 of age after September 10 of the year in which the child is enrolled. However, the trustees may continue
2 to provide a special education program.

3 (3) The board of trustees of each elementary district shall provide or establish and maintain a
4 special education program for each preschool child 3 through 6 years of age with a disability ~~between the~~
5 ~~ages of 3 and 6, inclusive.~~

6 (4) The board of trustees of a school district may meet its obligation to serve persons with
7 disabilities by establishing its own special education program, by establishing a cooperative special
8 education program, or by participating in a regional services program.

9 (5) The trustees of a school district shall ensure that assistive technology devices or assistive
10 technology services, or both, are made available to a child with a disability if required as a part of the
11 child's special education services, related services, or supplementary aids."

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13 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2002.

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